

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 36, 38-41, 43 and 44 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth below.

Entry of Amendment

Since the present Amendment is being submitted with a Request for Continued Examination, entry of the Amendment and full consideration thereof is considered to be proper.

Rejection Under 35 USC 102

Claims 36, 38-41, 43 and 44 stand rejected under 35 USC 102 as being anticipated by Takeuchi et al. (U.S. Patent 4,856,857). This rejection is respectfully traversed.

The Examiner states that Takeuchi et al. teaches a transparent hologram having a transparent hologram-forming layer holding a surface relief pattern and a holographic effect-enhancing layer including a transparent film where the layers have a different refractive index. The Examiner states that Takeuchi et al. further teaches that the hologram can be provided on a base sheet such as a metal plate or foil or on a substrate such as a sheet or foil of various materials including metals and metal alloys. The Examiner further states that the reference teaches that a color or print layer can be provided between layers. It also teaches that the hologram which is formed can be applied to cartons and containers.

Applicants submit that the present amended claims are not anticipated by or obvious over the Takeuchi et al. reference. Applicants have amended the claims to now point out that the

invention is a sidewall part of a metal particle holding a surface relief. This sidewall includes a metal substrate, a first layer of non-metallic material which holds the surface relief and a color layer provided on the surface of the metal substrate to enhance the visual effects. As described in the specification, the metal substrate is used for a drink container or other article so that the optical element is formed directly on the sidewall of the container. This is not the case with the Takeuchi et al. reference. Takeuchi et al. does not disclose a sidewall part of a metal article holding a surface relief. Instead, in Takeuchi et al., the hologram is made with the idea in mind that it will be transferred to another article. Thus, an adhesive is added with a releasable sheet material to the hologram so that it can be stored without sticking and then applied to the surface of another material. Accordingly, while the Examiner is correct that the Takeuchi et al. specification discusses using the hologram on packages, it is only through a transfer operation that this occurs. The reference does not discuss the forming of the hologram directly on the metal substrate of the metal article and forming a sidewall part thereof. In fact, Takeuchi et al. teaches away from this arrangement and instead utilizes a transfer arrangement instead.

Thus, Applicants submit that Takeuchi et al. does not teach any articles that are useable as sidewall parts of a metal article and especially not a sidewall part of a metal container. Takeuchi et al. does not in any way indicate the benefits obtained by having a part of a metal article on which the holographic effect is already provided before shaping the metal article. In view of this, Applicants submit that Takeuchi et al. does not teach the invention as presently claimed in claim 36.

Claims 38-41, 43 and 44 depend from claim 36 and as such are also considered to be allowable. In addition, each of these claims recite other features of the claimed metal article. These include the material used in the first layer, the material used in the second layer, the particular type of containers and the different refractive index for the different layers. Accordingly, Applicants submit that these claims are additionally allowable.

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Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

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Respectfully submitted,

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